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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,732	10/30/1998	CHRISTOPHER D. WILLIAMS	042390.P6485	3453

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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

26

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/183,732

Applicant(s)

WILLIAMS ET AL.

Examiner

Andrew Y Koenig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18,33-36 and 46-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,33-36 and 46-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 25.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9 July 2003 have been fully considered but they are not persuasive.
2. The applicant argues that Rowe does not suggest providing more than one program listing that is customizable or associated with any particular user. The examiner disagrees; Rowe teaches selecting categories, sub-categories, followed by programs in order to provide a desired listing of programs to the user, providing this listing in and of itself is a customizable list. Further, one of ordinary skill would readily recognize that providing customized lists on the identification of the user is well known in the art, which is taught by Lawler in order to facilitate program selection. Accordingly, the combination of Rowe and Lawler teach a system which provides a list of lists customized for each user. The examiner notes that applicant makes no specific argument to the combination of Rowe with a system that customizes lists (as taught by Lawler).
3. Applicant's arguments with respect to claims 1-18, 33-36, and 46-55 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18, 34, 36, and 46-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,812,123 to Rowe et al. in view of U.S. Patent 5,758,259 to Lawler et al.

Regarding claims 1, 6, 11, and 16, Rowe teaches a method for displaying programming, where the user selects a category, which presents a plurality of lists. When the user selects one of the lists, the guide displays and permits the user to select programming, which matches the category (Abstract). Accordingly, Rowe teaches searching a set of category list identifying a plurality of channels, wherein the lists are displayed to the user in the form of subcategories (col. 5, ll. 38-53, col. 7, ll. 16-33). The user is enabled to select a subcategory and select one of the channels to view (col. 7-8, ll. 61-5). The examiner notes, the user through the navigation of the categories and sub-categories selects the user-definable preferences lists for the user. Rowe is silent on teaching receiving user identification and providing program choices. Lawler teaches receiving the user identity via a personal identification number (PIN) (col. 7, ll. 36-43), after identifying the user Lawler presents programming to the user (col. 9, ll. 12-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by receiving user identification and present programming as taught by Lawler in order to facilitate the user in selecting channels.

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Regarding claims 2, 7, 12, 17, and 52, Rowe teaches providing (audio/video) programming as selected from the program list (col. 18, 29-34). Rowe teaches the set top converter tuning the channel to provide the corresponding program.

Regarding claims 3, 8, 13, 18, 54, and 55, Rowe teaches tuning to a selected program from the list (col. 18, 29-34). The system of Rowe clearly accesses the tuner to tune to the selected channel and sends a signal to the tuner to permit the tuner to tune to a channel. Rowe teaches subdividing the program guide database to create a list, wherein the guide database comprises all the programming information and is independent of the list.

Regarding claims 4, 9, 14, and 53, Rowe teaches a user request to provide a new channel, and accessing and sending to the tuner in response to the user's request (col. 18, ll. 29-34).

Regarding claims 5, 10, and 15, the system of Rowe clearly would let the user select different tiles, from the categories, sub-categories, and programs, and perform selecting, accessing, and sending in response to the user input.

Regarding claims 34 and 36, Rowe teaches automatically updating when receiving new updated information (col. 6, ll. 1-4), clearly the display will reflect the updated information.

Regarding claims 46 and 49, Rowe teaches that selecting the categories, sub-categories, and programs, which reads on lists generated by the user (abstract).

Regarding claim 47, Rowe teaches that the data of the (undeveloped) preference lists stored in the memory (col. 6, ll. 1-4).

Regarding claims 48 and 50, Rowe teaches selecting different categories, which in itself can add, delete, or reorder channels of the lists.

Regarding claim 51, Rowe teaches a method for displaying programming, where the user selects a category, which presents a plurality of lists. When the user selects one of the lists, the guide displays and permits the user to select programming, which matches the category (Abstract). Accordingly, Rowe teaches searching a set of category list identifying a plurality of channels, wherein the lists are displayed to the user in the form of subcategories (col. 5, ll. 38-53, col. 7, ll. 16-33). The user is enabled to select a subcategory and select one of the channels to view (col. 7-8, ll. 61-5). The examiner notes, the user through the navigation of the categories and sub-categories selects the user-definable preferences lists for the user. Rowe teaches that the data of the (undeveloped) preference lists stored in the memory (col. 6, ll. 1-4). Rowe teaches providing (audio/video) programming as selected from the program list (col. 18, 29-34). Rowe teaches the set top converter tuning the channel to provide the corresponding program. Rowe teaches that the EPG database as the program guide data (fig. 1, label 12). Rowe is silent on teaching receiving user identification and providing program choices. Lawler teaches receiving the user identity via a personal identification number (PIN) (col. 7, ll. 36-43), after identifying the user Lawler presents programming to the user (col. 9, ll. 12-18). Therefore, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to modify Rowe by receiving user identification and present programming as taught by Lawler in order to facilitate the user in selecting channels.

6. Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,812,123 to Rowe et al. U.S. Patent 5,758,259 to Lawler et al. in view of U.S. Patent 5,986,650 to Ellis et al.

Regarding claims 33, 35, Rowe is silent on providing an indication at the completion of a cycle. Ellis teaches providing a passive indication when the cycle is completed by stop scanning and tuning to the start channel (col. 11, ll. 4-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by providing a passive indication to the user when the user completes a cycle as taught by Ellis in order to provide feedback to the user and thereby denote when the cycle has been complete.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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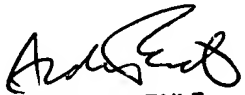
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

ayk

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600